

REMARKS

Claim 7 is objected to for allegedly being in improper multiple dependent format. It is respectfully submitted that the enclosed amendment obviates this issue. Accordingly, it is respectfully requested that this objection be withdrawn.

With respect to the objection to page 7, line 10 of the specification, the Examiner requests clarification to the meaning of the phrase “R of the shoulder.” It is respectfully submitted that the enclosed amendment obviates this issue. Accordingly, it is respectfully requested that this objection be withdrawn.

Claim 1 is independent and stands rejected under 35 U.S.C. § 102 as being anticipated by Lee ‘824 (“Lee”). This rejection is respectfully traversed for the following reasons.

The Examiner interprets the connection ears 233 of Lee broadly as the claimed “U-shaped flange.” In order to distinguish over the connection ears 233 of Lee, claim 1 has been amended to embody a flange which is generally U-shaped having upper and lower surfaces, and an outer surface disposed *so as to surround an outer periphery of the connection pipe*. As shown in Figures 2-3 of Applicants’ drawings, the flange of the present invention can surround the connection pipe to effect its improved sealing. In contrast, as shown in Figure 4 of Lee, the alleged flange 233 does not surround the alleged connection pipe. Indeed, the alleged flange 233 of Lee is merely a connection fitting to screw the muffler 20 to the cylinder head 30 via fastening members 239, and therefore has no disclosed need to surround a connection pipe. In this regard, Lee is unrelated to the drawbacks addressed by the present invention, and there is no prior art motivation for preventing leakage in the specified location of the compressor as enabled by the present invention.

The Examiner alleges that “Lee’s flange-and-groove structure is one that is located specifically at the interface between the resonance chamber and the suction muffler base” (*see* page 11, section 12 of Office Action) so as to allegedly lessen leakage thereat. Even assuming *arguendo* this assertion by the Examiner is correct, Lee does not disclose the structural configuration of the claimed flange as noted above, and is silent as to the issues arising from leakage specifically at the interface of the resonance chamber and connection pipe. Lee does not recognize nor consider the particular problem addressed by the present application, and therefore has no disclosed need or desire to structurally modify its connection ears 233 for reducing leakage much less suggest the structural configuration embodied in claim 1. Again, as discussed above, the alleged flange 233 of Lee is designed solely as a *connection* means.

In sum, the present invention is directed to a compressor-type which utilizes a resonance chamber for reducing noise, whereas the cited prior art is directed to different compressor-types in which a resonance chamber and associated sealing are not relevant and noise reduction is not considered. It follows that the configuration of the alleged flange 233 of Lee has no disclosed need or desire to be modified for improving sealing let alone to reduce noise, etc.. Only Applicants have recognized and considered the issues related to leakage specifically at the interface of a resonance chamber, and conceived of a novel and non-obvious combination of a resonance chamber with a particular flange configuration which can make it possible to obviate such leakage.

As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed, either expressly or inherently (noting that “inherency may not be established by probabilities or possibilities”, *Scaltech Inc. v. Retec/Tetra*, 178 F.3d 1378 (Fed. Cir. 1999)), in a single prior art reference, *Akzo N.V. v. U.S. Int’l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986), based on the forgoing, it is submitted that Lee does not anticipate claim 1, nor any claim dependent thereon.

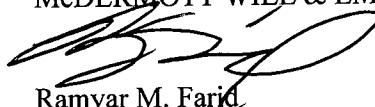
Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplicatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 1 is patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination. Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejections under 35 U.S.C. § 102/103 be withdrawn.

CONCLUSION

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below. To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Ramyar M. Farid
Registration No. 46,692

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 RMF:MaM
Facsimile: 202.756.8087
Date: August 12, 2008

**Please recognize our Customer No. 53080 as
our correspondence address.**